

October 2, 2013

Dr. Barry Klein, Director
McClellan Nuclear Radiation Center
University of California - Davis
5335 Price Avenue
Building 258
McClellan, CA 95652

SUBJECT: UNIVERSITY OF CALIFORNIA, DAVIS - STATE OF CALIFORNIA LICENSE AT
MCCLELLAN NUCLEAR RESEARCH CENTER

Dear Dr. Klein:

This is in reply to your letter dated May 31, 2013 (Agencywide Documents Access and Management System Accession No. ML13193A300), inquiring about the ability of the State of California (California) to issue a license to the University of California, Davis with the McClellan Nuclear Research Center (MNRC) as a place of use. The MNRC and its reactor are regulated under a U.S. Nuclear Regulatory Commission (NRC) license issued under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50. The issuance of the California license would result in areas of the MNRC being a place of use under both California and NRC licenses.

The NRC has no specific objection to the MNRC being a place of use under a California issued materials license. The following considerations would apply:

- Activities authorized by the California license cannot result in noncompliance with the NRC technical specifications for reactor operation. This does not prevent California from licensing isotopes, material forms and quantities not authorized by the NRC license.
- The University will need to carefully track materials to ensure that they are on the proper license and that the materials are within the authorization of the specific license.
- Your letter states that nonreactor modifications will be approved by California and the University. Any modifications to the NRC-licensed facility as described in the Safety Analysis Report to accommodate California activities are subject to the requirements in 10 CFR 50.59 in addition to any California requirements. These modifications must be reviewed under the reactor license before they are made, not when jurisdiction is transferred at some future point from California to NRC as proposed in your letter.

B. Klein

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If you have any questions about California regulated activities at the MNRC, please do not hesitate to contact me at 301-415-1127 or by e-mail at Alexander.Adams@nrc.gov.

Sincerely,

/RA/

Alexander Adams, Jr., Chief
Research and Test Reactors Licensing Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-607

cc: See next page

B. Klein

- 2 -

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Sincerely,

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NRR-106

OFFICE	NRR/DPR/PRLB/BC	NRR/DPR/PRLB/LA	OGC
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DATE	09/19/2013	10/02/2013	10/02/2013

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University of California-Davis/McClellan MNRC
cc:

Docket No. 50-607

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